

**Minutes of a Regular Session of the Common Council of the Town of Clarkdale
Held on Tuesday, November 10, 2020 at 6:00 P.M.**

A Regular Meeting of the Common Council of the Town of Clarkdale was held on Tuesday, November 10, 2020, at 6:00 P.M. a hybrid meeting: Council and Staff in the **Clark Memorial Clubhouse, Men's Lounge, 19 N. Ninth Street**, Clarkdale, Arizona; Public and Others via Zoom Video Conference. .

CALL TO ORDER –Mayor Von Gausig called the meeting to order at 6:00 P.M.

Town Council:

Mayor Doug Von Gausig
Vice Mayor Richard Dehnert
Councilmember Bill Regner
Councilmember Scott Buckley
Councilmember Debbie Hunseder

Council-Elect:

Mayor-Elect Robyn Prud'homme-Bauer
Councilmember Marney Babbitt-Pierce
Councilmember Lisa O'Neill

Town Staff:

Town Manager Tracie Hlavinka
Public Works Director Maher Hazine
Community Development Director Ruth Mayday
Finance Director Kathy Cwiok
Parks and Recreation Manager Joni Westcott
Police Chief Randy Taylor
Town Clerk Mary Ellen Dunn

PUBLIC COMMENT – The Town Council invites the public to provide comments at this time. Members of the Council may not discuss items that are not specifically identified on the agenda. Therefore, pursuant to A.R.S. §38-431.01(H), action taken as a result of public comment will be limited to directing staff to study the matter, responding to any criticism or scheduling the matter for further consideration and decision at a later date. Persons interested in making a comment on a specific agenda item are asked to complete a brief form and submit it to the Town Clerk during the meeting. Each speaker is asked to limit their comments to five minutes.

There was no public comment.

REPORTS

Current Events – The reports of the Town Hall business related activities will be submitted digitally and posted in the Council Agenda portion of the website for the following:

Mayor's Report
Vice-Mayor's Report
Councilmembers' Report
Town Manager's Report

All reports are included in the official Council meeting record.

Organizational Reports – Reports regarding regional organizations submitted digitally for the following:

CAT – Cottonwood Area Transit – No report
VVTPO – Verde Valley Transportation Planning Organization – No report
NACOG - Northern Arizona Council of Governments – submitted electronically
NAMWUA - Northern Arizona Municipal Water Users Association – No report
VVREO – LRSPC - Verde Valley Regional Economic Organization's Long Range Strategic Plan – No report
TPAC – Transportation Policy Advisory Council – No report

Regional reports that have been submitted to the Clerk are included in official record.

CONSENT AGENDA - The consent agenda portion of the agenda is a means of expediting routine matters that must be acted on by the Council. All items are approved with one motion. Any items may be removed for discussion at the request of any Council Member.

- A. Approval of Minutes of the Common Council** - Approval of the minutes of the Regular Meeting held October 13, 2020, and Special Meeting held October 27, 2020.
- B. Claims** - List of specific expenditures made by the Town during the previous month. October, 2020 check log and PPE dated September 26, October 10, 12, 19(2), and 24, 2020.
- C. Board and Commission Minutes** – Acknowledgement of receipt of minutes and draft minutes of the previous month's Board and Commission Meetings.

Design Review minutes of meeting held October 7, 2020
 Planning Commission minutes of meeting held October 27, 2020
 Parks and Recreation Commission cancellation of meeting October 14, 2020

- D. A Resolution of the Mayor and Common Council of the Town of Clarkdale, Arizona, Amending Resolution #1617, Adopting a Range Placement Table for Employee Salary Ranges, and Setting Effective Dates** – Approval of Resolution #1638, changes to the Salary Range Placement Table.

Action: Approve Consent Agenda items A – D as presented.

Motion: Councilmember Regner

Second: Vice Mayor Dehnert

Vote:

Voting Member	Aye/Nay
Council Member Scott Buckley	Absent
Vice Mayor Richard Dehnert	Aye
Council Member Debbie Hunseder	Aye
Council Member Bill Regner	Aye
Mayor Doug Von Gausig	Aye

NEW BUSINESS

RECOGNITION OF OUTGOING COUNCIL AND OUTGOING COUNCIL COMMENTS AND RECOMMENDATIONS – Staff recognition of outgoing Council and Council comments to staff and recommendations to new Council.

Staff to lead a presentation regarding the accomplishments and notable events that occurred during the tenure of the outgoing Council and outgoing Council to provide comments and recommendations.

Town Manager Hlavinka reviewed Council achievements during the past 16 years. Mayor Von Gausig and Vice Mayor Dehnert expressed appreciation and gave recommendations to new Council.

Action: No action required.

OATH OF OFFICE - Administration of Oath of Office to the newly appointed Council Members.

The Primary Election was held August 4, 2020. According to state law as set forth in A.R.S. §9-821.05.01, a candidate is declared elected to office in the primary if that candidate has a majority of all votes cast. On August 25, 2020 Council adopted the official results of the Primary Election

In the 2020 primary election, 1483 votes were cast for Mayor and Robyn Prud'homme-Bauer received 916 votes and was declared elected to office.

In the race for two 4-year councilmember terms in Clarkdale, 2153 votes were cast and two candidates received the majority of votes:

Debbie Hunseder	1067
Marney Babbitt-Pierce	1072

Therefore, Debbie Hunseder and Marney Babbitt-Pierce were declared elected to office.

In the race for the 2-year councilmember term, 1236 votes were cast and Alicia (Lisa) O'Neill received 1230 votes and was declared elected to office.

Action: Administer Oath of Office.

New Council is seated and assumes duties.

LIQUOR LICENSE APPLICATION – Discussion and possible action regarding recommendation to the Arizona Department of Liquor Licenses regarding a Series 12 – Restaurant Liquor License for Main Street Café.

Applicant: Chelsea and Scott Honey, Main Street Cafe
Address: 920 Main Street, Clarkdale, AZ

Type of License: Restaurant - Series 12

Restaurant– Series 12: This non-transferable, on-sale retail privileges liquor license allows the holder of a restaurant license to sell and serve spirituous liquor solely for consumption on the premises of an establishment which derives at least forty percent (40%) of its gross revenue from the sale of food. Failure to meet the 40% food requirement shall result in revocation of the license.

The application from Chelsea and Scott Honey is requesting a new Series 12 restaurant liquor license in Clarkdale. The applicants hold an interim permit to allow them to continue operations under the previous owner's license. The restaurant is located at 920 Main Street, Clarkdale, AZ.

To determine whether public convenience requires and the best interest of the community would be substantially served by issuing or transferring a license to a particular licensed or unlicensed location, the State Liquor Board and/or local governing authorities may apply criteria (as listed in the Arizona Administrative Code) as documented on the attached Town of Clarkdale Liquor License Application Review Form which has been completed by the Clerk's Department, the Verde Valley Fire District, Community Development Department, Police Department, Utility Department, and the Public Works Department.

Town Clerk Mary Ellen Dunn presented information to Council on this agenda item.

Action: Approve a recommendation to the State Department of Liquor License and Control to approve the Series 12 Restaurant Liquor License for Chelsea and Scott Honey, Main Street Cafe located at 920 Main Street, Clarkdale, AZ.

Motion: Councilmember Hunseder

Second: Councilmember Regner

Vote:

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Council Member Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, YAVAPAI COUNTY, ARIZONA, ADOPTING BY REFERENCE AND AMENDING SECTION 10-2-3(B); AMENDING SECTION 10-2-6; ADDING A NEW SECTION 8-8, IN CHAPTER 8 - "BUSINESS REGULATIONS" DECLARING THE DOCUMENT ENTITLED "RECREATIONAL MARIJUANA" AS A PUBLIC RECORD, RELATED TO THE REGULATION OF RECREATIONAL MARIJUANA, ESTABLISHING A PURPOSE; SETTING FORTH DEFINITIONS; PROHIBITING MARIJUANA ON PUBLIC PROPERTY; ESTABLISHING REGULATIONS FOR PERSONAL USE AT AN INDIVIDUAL'S PRIMARY RESIDENCE; AUTHORIZING RETAIL SALES OF MARIJUANA AND MARIJUANA PRODUCTS; IMPOSING FEES; SETTING FORTH VIOLATIONS; AND

PROVIDING FOR ENFORCEMENT AND PENALTIES - Discussion and possible action regarding Ordinance #408, an ordinance amending the Town Code and regulating recreational marijuana in the Town of Clarkdale.

On October 13, 2020, the Town Council was presented a model ordinance from the League of Cities in response to the recent support for Proposition 207: Smart and Safe Act to legalize recreational marijuana. This ordinance would either prohibit or regulate recreational marijuana establishments, including marijuana testing facilities, use of recreational marijuana on public and private property, establishing zoning for authorized retail sales and establishing fees and enforcement for violations and penalties.

Proposition 207: Smart and Safe Arizona Act was placed on the November 3, 2020 general election ballot. The proposition passed in the election and now awaits the Governor of the State of Arizona to sign into law. This proposition contains provisions to authorize the possession, consumption, purchase, processing, manufacturing and transporting by an individual at least twenty-one (21) years of age.

During the October 13th work session with the Town Council, Council instructed staff to draft an ordinance that would regulate recreational marijuana establishments, regulate recreational testing facilities, regulate retail sales taxes regarding recreational marijuana and prohibit recreational marijuana on public property. The Town Council also stressed the regulations needed to follow the same guidance in Town Code as the medical marijuana. A public hearing was held with the Planning Commission on October 27, 2020. The Planning Commission also discussed zoning for these establishments, noting recreational marijuana establishments and testing facilities would be zoned for use in Industrial Zoning, while recreational dispensaries will be permitted in the Central Business District and Commercial Zoning areas. These recommendations mirror medical marijuana facilities and medical marijuana dispensaries.

Staff shared the Planning Commissions zoning recommendations with the Town Council at the October 27, 2020 Council Meeting. During that Town Council meeting, a public hearing was also conducted to gather more input regarding the adoption of the ordinance. No public spoke at either of the public hearings held on October 27, 2020.

Town Council advised staff to proceed with the ordinance with two minor corrections to the drafted document; 1) Chapter 10 Section 2-4 (Town Code) Offenses language – *F. Outdoor patios so long as tobacco smoke does not enter areas where smoking is prohibited through entrances, windows, ventilation systems, or other means*, shall remain and 2) Section 4-122-3 (Zoning Code) language – *19. Shall comply with applicable laws to safely and securely engage in extraction processes* shall remain.

Town Manager Hlavinka presented information on this topic to Council. General Council discussion followed.

Action: Approve Ordinance #408 adopting by reference and amending Section 10-2-3(B,C); amending Section 10-2-6; adding a new Section 8-8, in Chapter 8 - "Business Regulations" declaring the document entitled "Recreational

Marijuana" as a public record, related to the regulation of recreational marijuana, establishing a purpose; setting forth definitions; prohibiting marijuana on public property; establishing regulations for personal use at an individual's primary residence; authorizing retail sales of marijuana and marijuana products; imposing fees; setting forth violations; and providing for enforcement and penalties.

Motion: Councilmember Regner

Second: Councilmember Hunseder

Vote:

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Council Member Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

AN ORDINANCE OF THE MAYOR AND COMMON COUNCIL OF THE TOWN OF CLARKDALE, ARIZONA, REGULATING RECREATIONAL MARIJUANA AND MEDICAL USE OF MARIJUANA, MARIJUANA TESTING FACILITIES, AND OTHER MARIJUANA USES AND ADOPTING BY REFERENCE AMENDMENTS TO THE TOWN OF CLARKDALE ZONING CODE CHAPTER 2 DEFINITIONS; CHAPTER 3 ZONING DISTRICTS; ARTICLES 3-010 SINGLE FAMILY RESIDENTIAL (R1); 3-020 SINGLE FAMILY RESIDENTIAL (R1L); 3-040 SINGLE FAMILY AND LIMITED MULTIPLE FAMILY (R2); 3-050 MULTIPLE FAMILY RESIDENTIAL (R3); 3-060 MANUFACTURED HOME RESIDENTIAL (R4); 3-070 MANUFACTURED HOME RESIDENTIAL ALTERNATE (R4A) 3-080 SUBURBAN RESIDENTIAL (RS3); 3-090 CENTRAL BUSINESS (CB); 3-100 COMMERCIAL (C); AND 3-140 INDUSTRIAL; AND ADDING A NEW ARTICLE 4-122 RECREATIONAL AND MEDICAL MARIJUANA TO CHAPTER 4 GENERAL PROVISIONS; AND DECLARING THE FOREGOING AS A PUBLIC RECORD – Discussion and possible action regarding Ordinance #409, an ordinance amending the Town Zoning Code and regulating recreational marijuana in the Town of Clarkdale.

On October 13, 2020, the Town Council was presented a model ordinance from the League of Cities in response to the recent support for Proposition 207: Smart and Safe Act to legalize recreational marijuana. This ordinance would either prohibit or regulate recreational marijuana establishments, including marijuana testing facilities, use of recreational marijuana on public and private property, establishing zoning for authorized retail sales and establishing fees and enforcement for violations and penalties.

Proposition 207: Smart and Safe Arizona Act was placed on the November 3, 2020 general election ballot. The proposition passed in the election and now awaits the Governor of the State of Arizona to sign into law. This proposition contains provisions to authorize the possession, consumption, purchase, processing, manufacturing and transporting by an individual at least twenty-one (21) years of age.

During the October 13th work session with the Town Council, Council instructed staff to draft an ordinance that would regulate recreational marijuana establishments, regulate recreational testing facilities, regulate retail sales taxes regarding recreational marijuana and prohibit recreational marijuana on public property. The Town Council also stressed the regulations needed to follow the same guidance in Town Code as the medical marijuana. A public hearing was held with the Planning Commission on October 27, 2020. The Planning Commission also discussed zoning for these establishments, noting recreational marijuana establishments and testing facilities would be zoned for use in Industrial Zoning, while recreational dispensaries will be permitted in the Central Business District and Commercial Zoning areas. These recommendations mirror medical marijuana facilities and medical marijuana dispensaries.

Staff shared the Planning Commissions zoning recommendations with the Town Council at the October 27, 2020 Council Meeting. During that Town Council meeting, a public hearing was also conducted to gather more input regarding the adoption of the ordinance. No public spoke at either of the public hearings held on October 27, 2020.

Town Council advised staff to proceed with the ordinance with two minor corrections to the drafted document; 1) Chapter 10 Section 2-4 (Town Code) Offenses language – *F. Outdoor patios so long as tobacco smoke does not enter areas where smoking is prohibited through entrances, windows, ventilation systems, or other means*, shall remain and 2) Section 4-122-3 (Zoning Code) language – *19. Shall comply with applicable laws to safely and securely engage in extraction processes* shall remain.

Town Manager Hlavinka presented this information to Council.

Action: Approve Ordinance 409 adopting by reference and regulating recreational marijuana and medical use of marijuana, marijuana testing facilities, and other marijuana uses and adopting by reference amendments to the Town of Clarkdale Zoning Code Chapter 2 Definitions; Chapter 3 Zoning Districts; Articles 3-010 Single Family Residential (R1); 3-020 Single Family Residential (R1L); 3-040 Single Family and Limited Multiple Family (R2); 3-050 Multiple Family Residential (R3); 3-060 Manufactured Home Residential (R4); 3-070 Manufactured Home Residential Alternate (R4A); 3-080 Suburban Residential (RS3); 3-090 Central Business (CB); 3-100 Commercial (C); and 3-140 Industrial; and adding a new article 4-122 Recreational and Medical Marijuana to Chapter 4 General Provisions; and declaring the foregoing as a public record.

Motion: Councilmember Hunseder

Second: Councilmember O'Neill

Vote:

<u>Voting Member</u>	<u>Aye/Nay</u>
Council Member Marney Babbitt-Pierce	Aye
Council Member Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye

Council Member Bill Regner

Aye

DIRECT CONTRACT WITH JAMES COOKE & HOBSON, INC. – Discussion and possible action regarding a direct contract with James Cooke & Hobson, Inc. for rehabilitation of the Bitter Creek Pump Station (AKA Fiesta Lift Station) and authorization to the Public Works Director to sign the purchase order in the amount not to exceed \$53,000.

The Town of Clarkdale has operated the Bitter Creek Pump Station, also known as the Fiesta Lift Station, for over 35 years. Due to the age of the plant, it is necessary to evaluate and exercise the mechanical equipment periodically. This is done to ensure that the integrity of the station and reliability is maintained.

This station contains a control panel and two grinder pumps. Many of the components are made of steel and have an extensive amount of rust. As such, staff has decided as part of the proposed rehabilitation to upgrade all components to stainless steel to maximize the life of the station. Additionally, the grinder pumps will be replaced with an equal size pump but will be upgraded to 3-phase power to provide for a more efficient operations (same cost). The control panel will be replaced instead of only replacing certain parts within the panel because as you upgrade components other parts begin to fail. Essentially, when the work is completed, with the exception of the concrete structure which is in good shape, the entire components of the lift station will be new and enhanced for more efficient operations.

In compliance with Town Code, contracts of Twenty-Five Thousand dollars (\$25,000) or more shall be put out to bid and approved by the Town Council. However, the Procurement Code does provide for direct select contract under a cooperative purchase if such purchase is made through or with the State of Arizona or its political subdivisions. In this case, the selected vendor not only is the sole provider of the pumps that currently exist in the lift station, they were the original vendor for material and construction of the lift station, and they also have a Cooperative Purchase Agreement with the City of Chandler. As such, we are electing to utilize James Cooke & Hobson through their Cooperative Agreement with the City of Chandler as amended.

The cost for the rehabilitation will be \$31,888.00 for the primary mechanical and electrical components and an additional \$15,486.00 for the labor to perform the rehabilitation plus the necessary pipes and fittings including providing a temporary bypass while the work is being performed for a total of \$47,374 plus tax.

Public Works Director Maher Hazine presented information to Council.

Action: Approve a direct contract with James Cooke & Hobson, Inc. for rehabilitation of the Bitter Creek Pump Station (AKA Fiesta Lift Station) and authorization to the Public Works Director to sign the purchase order in the amount not to exceed \$53,000.

Motion: Councilmember Hunseder

Second: Councilmember Babbitt-Pierce

Vote:

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Council Member Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

ALLOCATION OF DESIGNATED FUNDS – Discussion and possible action regarding funding four (4) tablets with the 2020-2021 designated funds in the amount of \$10,000.

During the April 30th, 2020 Council work session on the 20-21 budget, Council decided to hold the \$424,733.00 in designated funds in contingency, until it became clear the funds would not be needed for general fund operations. At which time the Council would allocate the funds. In light of the AZ CARES funding that was awarded to the Town of Clarkdale on August 13th 2020, in the amount of \$504,116.00 which can be used to fund general operations. During the September 8, 2020, Town Council meeting, the Council approved the allocation of the following funds from Designated Funds totaling \$93,039.00:

1. \$10,000.00 for the ASU Study, continuing with ASU is instrumental in the Certified Local Government program as well as research for the General Plan.
2. \$5,000.00 for Park and playground improvements. The handrail on the handicap ramp is potentially dangerous and needs replacing. There are other improvements needed to playground equipment.
3. \$ 50,000.00 for Selma Mongini Park, funds are needed to begin the first phase of the park improvement plan.
4. \$16,039.00 for the PTO (Personal Time Off) buy back program of up to 40 hours of an employees accumulated PTO bank.
5. \$12,000.00 for funding economic development initiatives and outreach efforts.

The Town Manager would like to request the Town Council allocate \$10,000 for the purchase of four (4) tablets for Council member use for Town business from the designated funds. Any funds remaining after the purchase of the tablets will be used for IT equipment throughout the 20-21FY.

One (1) tablet has already been purchased as a pilot.

Town Manager Hlavinka presented this information to Council.

Action: Approval of funding four (4) tablets with the 2020-2021 designated funds in the amount of \$10,000.

Motion: Councilmember Babbitt-Pierce

Second: Councilmember O'Neill

Vote:

Voting Member	Aye/Nay
Council Member Marney Babbitt-Pierce	Aye
Council Member Debbie Hunseder	Aye
Council Member Lisa O'Neill	Aye
Mayor Robyn Prud'homme-Bauer	Aye
Council Member Bill Regner	Aye

FUTURE AGENDA ITEMS - Listing of items to be placed on a future council agenda.

ADJOURNMENT: Without objection Mayor Prud'homme-Bauer adjourned the meeting at 7:29 P.M.

APPROVED:



Robyn Prud'homme-Bauer, Mayor

ATTESTED/SUBMITTED:



Mary Ellen Dunn, Town Clerk

CERTIFICATION

I hereby certify that the foregoing minutes are a true and correct copy of the minutes of the regular meeting of the Town Council of the Town of Clarkdale, Arizona held on the 10th day of November, 2020. I further certify that meeting was duly called and held and that a quorum was present.

Dated this 8th day of December, 2020.

SEAL



Mary Ellen Dunn, Town Clerk